



PTO/SB/21 (09-04)

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**TRANSMITTAL
FORM**

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Total Number of Pages in This Submission

Application Number	09/869,813
Filing Date	January 3, 2002
First Named Inventor	Lawrence M. Boyd
Art Unit	3733
Examiner Name	David C. Comstock
Attorney Docket Number	MSDI-303/PC379.04

ENCLOSURES (Check all that apply)

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| <input type="checkbox"/> Fee Transmittal Form
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Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Krieg DeVault LLP		
Signature			
Printed name	Brad A. Schepers		
Date	January 8, 2008	Reg. No.	45,431

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Signature			
Typed or printed name	Brad A. Schepers	Date	January 8, 2008

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:)	Before the Examiner
Lawrence M. Boyd et al.)	David C. Comstock
)	
Application Serial No. 09/869,813)	Group Art Unit 3733
)	
Filed January 3, 2002)	Ref. No. MSDI-303/
)	PC379.04
INTERVERTEBRAL SPACERS WITH SIDE)	
WALL ACCESSIBLE INTERIOR CAVITY)	January 8, 2008

RESPONSE TO NON-FINAL OFFICE ACTION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the non-final Office Action dated October 9, 2007, please enter and consider the following amendments and remarks. Please charge any additional fees which may be necessary to Deposit Account No. 12- 2424, but not to include any payment of issue fees.

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January 8, 2008

Date of Deposit

Brad A. Schepers

Name of Registered Representative



Signature

January 8, 2008

Date of Signature

INTRODUCTORY COMMENTS

Claims 1, 2, 5-15, 17, 18, 20, 35-37, 52, 54, 56 and 59-75 were pending in the subject application for the non-final Office Action mailed on October 9, 2007. Each of the pending claims has been rejected on various grounds.